

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAWN McSWAIN,

Plaintiff,

vs.

B. WEST, ET AL.,

Defendants.

20-CV-12684-TGB-DRG

**ORDER ADOPTING REPORT
AND RECOMMENDATION
AND DISMISSING CASE WITH
PREJUDICE**

This matter is before the Court on Magistrate Judge David R. Grand's May 23, 2022 Report and Recommendation (ECF No. 50) recommending the dismissal of Plaintiff's Complaint (ECF No. 1) pursuant to Fed. R. Civ. P. 41(b), and to deny as moot Defendants' Second Motion for Summary Judgment (ECF No. 41).

The Court has reviewed the Magistrate Judge's Report and Recommendation and finds that it is well-reasoned and supported by the applicable law. The law provides that either party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of the report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a “de novo determination of those portions of the report . . . to which objection is made.” *Id.*

Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will, therefore, accept the Magistrate Judge's Report and Recommendation of May 23, 2022, as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Grand's Report and Recommendation (ECF No. 50) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Plaintiff's Complaint (ECF No. 1) is **DISMISSED WITH PREJUDICE** and Defendants' Second Motion for Summary Judgment (ECF No. 41) is **DENIED AS MOOT**.

Dated: August 4, 2022

s/Terrence G. Berg

TERRENCE G. BERG

UNITED STATES DISTRICT JUDGE